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FEBRUARY MEETING, 1893.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the President, Dr. GEORGE E. ELLIS, in the chair.

After the reading of the record of the last meeting and the list of donors to the Library during the month, Dr. S. A. GREEN said that he had received from the widow of the late Cabinet-keeper, Dr. F. E. Oliver, a silver watch, chain, and seals, once owned by Cotton Mather, and an original miniature of Increase Mather. These interesting relics had been sent to Dr. Oliver for presentation to the Society by Mrs. Elizabeth Anna Byles Ellis, of Burlington, New Jersey, a lineal descendant of Cotton Mather. In her letter Mrs. Ellis writes:

“ The watch which I now send as a gift to your honorable Society was once owned by the Rev. Cotton Mather. It is the one carried by him among the Indians, who, hearing the ticking, were frightened and thought he carried the Devil in his pocket, and ran away from him. It has been handed down from one generation to another until it came into the hands of my father, who was Belcher Byles. With my two maiden sisters and myself, a childless widow, all well advanced in years, the direct line becomes extinct, and we wish this relic preserved. It would seem that Massachusetts, being the special field of their labors, and Boston the burial-place of the Mather family, is the place where such a relic would be prized and preserved.”

The PRESIDENT then said: —

In the quiet and limited range of interests which engage us in this Society, we have our full share in the wide and deep sense of bereavement felt far beyond the bounds of this community and of our own country, in the death of our associate, Bishop Brooks. He was a man signally gifted, we may say inspired, because of the entire consecration of the rich and marvellous powers and qualities of his personality to the highest and most needful services to humanity. Pre-eminent was his devotion to those services, appreciated while he lived, fondly and touchingly recognized by the reverential love which wreathes his continued obsequies.

In the multiplied and incessant occupation of his time and powers devoted to his sacred office, he could find, to his often expressed regret, but scant opportunity for bodily presence here. Yet I speak with reasons when I say that there are few, if any, of our associates who feel more profoundly and tenderly than he felt the earnestness of the motive which prompted the intent and guides the activity of this Society. He drew his lineage from those who were earliest and most serviceable in the foundation of this Puritan Commonwealth, and his tributes to their purpose and virtues have been many and fervent. Indeed, a residuum and deposit from what was best in them, brought down through their generations, was the inheritance which flowered in the loftiness and grace of his expanded and catholic spirit. Such retrospective papers as we have from his pen make us wish that there were more of them. His chapter in "The Memorial History of Boston" on the introduction and development of his own religious communion in the Puritan town is an admirable illustration of his calm, judicial tone and of his kindly temper. In his address on the observance of the two hundred and fiftieth anniversary of that redoubtable corps, the Ancient and Honorable Artillery Company, he seems to have caught some of the old martial as well as the historic spirit. Having been elected a Resident Member of this Society in March, 1879, he may be regarded as filling the place on our roll of his father, William G. Brooks, who died in the previous January, after having served the Society faithfully and devotedly for nearly a score of years, and to whose practical ability we were much indebted in the reconstruction of our building. During the two years in which Phillips Brooks was on our Council he regularly attended its meetings when he was in this country. Still the interest and work which engaged his grand ministry were not those of the ancient days but those of the living present, to be guided and led to fuller fruition by inspirations such as his.

Let our rising and standing in our places here and now give expression to the tribute of love and veneration which we pay to him.

Mr. HENRY LEE, having been called on, spoke in substance as follows: —

Father Taylor, who, like Mr. Brooks, was an inspired preacher and had a wonderful hold upon his hearers, was once ruffled by the preaching of a lay brother upon the text, "Let me die the death of the righteous." Rising he said: "I don't thank any brother for coming here with such talk as that. Messmates, don't you believe that you can fall from the yard-arm and repent before you reach the deck! Let me live the life of the righteous." And that was precisely the difference between Phillips Brooks and the rest of us. He lived the life of the righteous; he did not wait for its close to hear, "Well done, good and faithful servant, enter thou into the joy of our Lord." His look as he walked along the street, as he lifted up his face in prayer, showed that he had already entered into the joy of our Lord. Like Enoch, he walked with God.

Mr. Lee then said that he would read a paper which he wrote some months ago, and which he thought would not be inappropriate now:—

"A word fitly spoken is like apples of gold in pictures of silver."

How few words are fitly spoken; and those few abide in the memories and sink into the hearts of all who hear them.

In our day Emerson has delighted and instructed men by such pregnant words.

A few words uttered by Abraham Lincoln on the field of Gettysburg and in his last inaugural warmed the hearts of men in two hemispheres to that man of sorrows, and made the whole world kin.

In the annals of our College there is a red-letter day, Commemoration Day; when, after years haggard with anxiety, the mother welcomed back the remnant of her children who had escaped "the pestilence that walketh in darkness, the destruction that wasteth at noonday."

On that day words seemed powerless; they did not vent the overflowing of sympathy and gratitude all felt.

But in the exercises came a prayer, a brief prayer of a few minutes, of one inspired to pour forth the thanksgivings of the assembled brethren.

From that moment the name of that inspired young man, till then unknown, became a household word.

For one, I never met his father, whom I knew very well, without an inquiry into his son's welfare.

He was before long sent for and urged to take up his abode with us. He came, and you know the rest.

He came to be the pastor of one parish, the shepherd of one flock; he has become the pastor of all parishes, the shepherd of all flocks. He has been the Bishop of Massachusetts by the laying on of all hands, of priests and laymen.

The walls of the great church he built up are thrown down; like Whitfield, he preaches to the multitude in the fields.

He came to us from the City of Brotherly Love, and wherever he abides there will be the city of brotherly love; for, like the loved disciple, he preaches the new commandment, the gospel of love.¹

Mr. WILLIAM S. APPLETON then spoke in substance as follows:—

Many years ago, before Trinity Church and he had ever thought of each other, I was for a time in circumstances of peculiar intimacy with Phillips Brooks. The Rev. Dr. Leeds of Philadelphia, Brooks, and I travelled together for ten weeks by land and sea; and for four weeks in the Holy Land we rode side by side twenty or thirty miles a day, and slept every night in the same tent. It is needless to say that I enjoyed the trip; it will always be one of the very pleasantest and dearest recollections of my life. We were all of us equally enthusiastic in our interest in the country where we were. I shall never forget the headlong races over every stretch of level turf, and the talks of every evening, as Brooks and I smoked our pipes round the wood-fire at the door of our tent; for Brooks was an admirable smoker. Dr. Leeds has been dead for several years, but Brooks and I never met without recalling the distant but well-remembered past. The last Christmas number of the French paper "L'Illustration" was devoted to Palestine and its holy places; and as soon as it

¹ A copy of Mr. Lee's paper having been shown to Bishop Brooks when it was first written, he sent the following characteristic note to a friend:—

233 CLARENDON STREET, BOSTON, June 10, 1892.

DEAR MRS. —: It must be some other man, I think, — not me, this good man of whom Mr. Lee is speaking. And yet I remember some such day! At any rate, he is very good, and so are you.

I shall see you, I am sure, before I go; but still good-by.

Sincerely yours,

PHILLIPS BROOKS.

appeared, I sent Brooks a copy with all good wishes. I will read his note of thanks: —

233 CLARENDON STREET, BOSTON, Dec. 19, 1892.

DEAR APPLETON,—Many thanks for the pretty Book, and still more thanks to you for remembering the pleasant days of 27 years ago. I never forget them. Every Christmas brings back Ibrahim & Lutuf & Dr. Leeds & all the rest. When we get to be old men, which we are not yet, they shall still be with us.

Then & now & always I am your sincere friend,

PHILLIPS BROOKS.

I have alluded to our talks of every evening. I suppose we discussed almost every subject under heaven. Brooks certainly gave me the impression — of course it was not his, but he gave it to me — that he was entirely out of place in the Protestant Episcopal Church. He was too big for it and too broad for it. He belonged to the Catholic Church of Christ ; and it was only by chipping away till little was left, that he could possibly be a member of any such division of that Church as has among the stones of its foundation the Nicene Creed and the Apostolic Succession. I never thought that he would continue always to be a clergyman of the Protestant Episcopal Church, still less that he would die one of its Bishops. But I was mistaken, and it evidently seemed to the Divine Wisdom that he could do a better work in that denomination than as a member of any freer body, or even standing alone unconnected with any special branch of the Christian Church.

His funeral was rightly claimed by his own denomination, which, however, mourns his loss no more than all other Christian bodies. Among the honorary pall-bearers might well have been clergymen of other branches of the Catholic Church,—our own President, or the Rev. Stopford W. Brooke, by whose predecessor Brooks was baptized ; the Rev. George A. Gordon, in whose church Brooks had officiated with pride and pleasure ; the Rev. Dr. Miner, with whom in some at least of his enthusiastic efforts Brooks warmly sympathized. I think Phillips Brooks would gladly have had something like this, if he could have spoken.

Mr. CHARLES F. ADAMS said: —

Here and elsewhere — more elsewhere than here — so much has been said of Bishop Brooks, and said in a spirit

of deep-felt laudation not undeserved, that I should hesitate to add to the great aggregate were it not that in the little I have to utter I speak from a long acquaintance, and that little, while very different from what has been or is likely to be said by others, conveys a lesson.

I cannot remember the time when I did not know Phillips Brooks. He was my second cousin, for his father and my mother were cousins-german. So, at almost the first school I ever went to,—a little dame school kept in a small wooden house then standing on Bedford Street immediately in the rear of Church Green, as the enclosure on Summer Street was called whereon stood the New South meeting-house in which Dr. Alexander Young then ministered,—in this antiquated little wooden edifice, long since removed, Phillips Brooks and I learned our letters; both of us, I take it, then being about the age of five or six. Some eight or ten years later, I next met him at the Boston Latin School, where he was one year in advance of me. Later on, we were in college together; he, still a year ahead, graduating in 1855. Of him at Cambridge I retain a distinct and pleasant recollection, for we were in many of the same societies, and he had already evinced that peculiar facility of written expression in which afterward he won renown; and he was always chosen, as matter of course, to deliver society orations and read literary papers. He belonged also to a class singularly prolific in young men of ability and interesting character, many of whom — Barlow, Agassiz, Lyman, Dalton, and, above all, Brooks himself — subsequently achieved distinction. Unless my recollection deceives me, his room-mate was Edward Barry Dalton, with whom in after years at the headquarters of the Army of the Potomac my relations were most intimate,—a man who stands out clear and distinct in memory as one than whom few of finer or nobler character were encountered at a period and amid scenes which brought fine and noble characters rapidly to the front. And now, looking backward through a vista of nearly forty years, that two such young men as Edward Barry Dalton and Phillips Brooks should have been among the friends of my youth makes me think better of myself; for, after all, the saying, “Tell me who your friends are, and I will tell you who you are,” has truth in it. Those were indeed golden, precious days,—those days passed in the

June sunshine of the college grounds with young men who seemed in no way unusual in our every-day eyes, but who in fact were filled, as the result soon showed, with infinite possibilities,—the Bayards and Sidneys and Bossuets of the fast-coming years;—days I failed, as under like circumstances we all of us always fail, to appreciate at the time, and so grasp them and delight in them as they pass;¹ but now, as I revert to them, and the familiar faces and scenes come up distinct and clear in memory, they bring with them, as a sort of sad refrain, lines of Browning, read then and remembered ever since,—

“ ‘T is only when they spring to heaven that angels
Reveal themselves to you; they sit all day
Beside you, and lie down at night by you
Who care not for their presence, muse or sleep,
And all at once they leave you and you know them!
We are so fooled, so cheated!’ ”

We have all of us, I suppose, had some of these Paracelsus experiences. But passing on to what I more immediately have to say, to those who have just seen Phillips Brooks borne out to Mount Auburn amid such an expression of deep-felt recognition as has not been elicited by the death of any private citizen in our time,—to those who saw him only last week thus borne to his grave, the incident I am about to relate cannot be without interest nor without its lesson. It contains in it a whole homily of encouragement to men fresh from college subjected to like trial.

After Brooks graduated, he became one of the ushers at the

¹ While these pages were passing through the press I chanced upon the following passage in Froude's History of England (chap. v.), the reflections contained in which seem sufficiently apposite to warrant a footnote. The years we lived between 1861 and 1865 were not without the element of the “awful”; neither was the “great man” wholly lacking to them. “The immediate present, however awful its import, will ever seem common and familiar to those who live and breathe in the midst of it. In the days of the September massacre at Paris, the theatres were open as usual; men ate, and drank, and laughed, and cried, and went about their common work, unconscious that those days which were passing by them, so much like other days, would remain the *dies nefasti*, accursed in the memory of mankind forever. Nothing is terrible, nothing is sublime in human beings, so long as they are before our eyes. The great man has so much in common with men in general, the routine of daily life, in periods the most remarkable in history, contains so much that is unvarying, that it is only when time has done its work, and all which was unimportant has ceased to be remembered, that such men and such times stand out in their true significance.”

Boston Latin School, then presided over by Francis Gardner, — a man whom many here will remember, rough and harsh in exterior, but not without a kindly side for those whom he liked. To those he did not like, a harder and less charitable man it would not be easy to find ; and any one who knew both Francis Gardner and Phillips Brooks would feel instinctively at once that Francis Gardner could never have taken kindly to Phillips Brooks. The former was ingrained a schoolmaster, the latter was born a preacher ; nor in saying this do I utter an ill word against either calling.

While Phillips Brooks was thus earning his living as usher at the Boston Latin School and waiting for the future to reveal itself to him, I was studying law in the office of Richard H. Dana, with whom Francis Edward Parker — formerly, as was Dana also, a member of this Society — was associated as partner. Parker was then a member of the Boston School Committee, and as such head of the sub-committee having charge of the Boston Latin School ; at which he too in his earlier post-graduate days had held the position of usher. I soon learned that Phillips Brooks was in trouble. The Master complained that the usher had in him no single element of a successful school-teacher, — that he was unable to maintain order among the boys in his room, and in short that the good of the school peremptorily required an immediate change. The change accordingly was decided on, and Brooks's resignation called for. But the young man selected to take his place was not immediately available, and a question arose as to what was to be done during the intervening time, — a period, perhaps, of two or three weeks. Moved probably more by the humor of the thing than any other motive, and not unwilling to try my hand in a new field, I suggested to Mr. Parker that I should make the experiment of taking charge of Brooks's room until the new master came. The idea struck Parker favorably, and he proposed it to Mr. Gardner. Years before I had been in Mr. Gardner's classes, and he saw fit to receive the suggestion with favor, though at first somewhat amused by it, as he had never looked on me as a possible instructor of youth ; but I am led to believe he expressed his conclusion in terms not necessarily complimentary to either Brooks or myself, intimating in his usual rough way that any change, no matter what, could hardly fail to be for the better.

He thought, however, that in common decency the opportunity should be given Brooks to remain until his successor appeared; though he hardly believed he would do so. But in this Master Gardner was mistaken. Phillips Brooks, though both discouraged and cut to the quick by his failure, did wish to remain until his successor appeared; and as my services were thus dispensed with, I never occupied an usher's chair.

Now comes the point of my reminiscence. Shortly after this, as I was told at the time and have since seen no occasion to disbelieve, Phillips Brooks—humiliated, discouraged, utterly broken down, indeed, by his complete failure at the threshold of life, not seeing well or at all in what direction to turn or to apply his hand—went despondently to some man in his family acquaintance of assured success, and in the depth of his disappointment and mortification asked him for advice,—could he suggest any way in which it would be possible for him, the recent graduate and the future great preacher, to earn a living!

It was the old, old story. The round peg had found its way into a square hole, or the square peg into a round hole,—whichever way you see fit to put it. Here was a young man having in him qualities of the highest order, who had failed to find his vocation. His first move had been a wrong move, and with results most unfortunate for the time being to himself. No man can do all things equally well; few men can do anything supremely well; most men can do something fairly well. One is reminded of the odd experience of the bright girl in Ireland somewhat more than a century ago, who emphatically announced that she would not go to an approaching county ball if she had got to dance with that “horrid little Arthur Wellesley!” Like Phillips Brooks later on, the future Duke of Wellington in 1785 had in him in his own line very considerable possibilities; but apparently he was not designed to excel as a ball-room performer, while with us the coming Bishop failed dismally as a Latin School usher.

This experience of Phillips Brooks, the memory of which I do not doubt he carried with him to the end,—and he too, I fancy, like myself, though for other reasons, felt a sense of satisfaction, approaching relief, when that gloomy, ugly Latin School edifice in Bedford Street was levelled with the ground and a thoroughfare made to occupy the site where it stood,

for it recalled no pleasant memories to either of us,—that early, mortifying Latin School experience, I say, Phillips Brooks doubtless carried freshly with him to the grave. Yet it was in no way an unusual one; and it contains in it, as I have said, a lesson to which most young men might with profit give ear. The early paths of few are strewn with flowers. It is the fate of nearly all at some period to find themselves confronted with failure. Indeed, he is the really fortunate man who, like Phillips Brooks, meets that failure early. The hard fate must be some day to realize that, a round peg, you are by fate and circumstance inextricably wedged into a square hole.

But this is prosaic expression. The same thought, in no respect novel, of course, has been much better put by another: “It is through continued effort and repeated failure that a man eventually discovers what he is, and what he might do; through this, alone, he attains the station in which he is most useful and happy, and secures the post and employment he was created to fulfil. The most distressful period in life — and likewise the most unsatisfactory — is the period in which a man feels the stirrings of his powers, yet sees no arena for their play; and the most miserable of men are those who, having missed their mission, find themselves on shipboard, bound for Tarshish, when their voice is needed in the streets of Nineveh.” In 1857 Phillips Brooks may have thought himself bound for Tarshish; but, later on, his voice assuredly emitted no uncertain sound here in the streets of Nineveh. He arrived!

The incident I have referred to occurred, I think, in 1857. I do not remember again to have met Phillips Brooks until after the close of the war, when, mustered out of the regiment of which I had been in command, I was passing the summer in Newport. He meanwhile had found his vocation, and was there at the great watering place,—a favored, much sought-for guest. Abandoning school-teaching, he had become a preacher. He had sought a career in that line for which the experience of his college life should have told him in the beginning he was best adapted. Settled then in Philadelphia, he was already recognized as the rising young divine of the day,—a pulpit star of the first magnitude, he was just swimming above the horizon. From that time forward his career was one unbroken success.

Nevertheless, when last week I heard the unexpected tidings of his death, though for years I had hardly seen him, my thoughts at once went back to those early days and to that period of his youth immediately succeeding graduation. To be a great schoolmaster is a good thing; to be a great preacher is a good thing. But the great preacher is not necessarily a good schoolmaster, nor the good schoolmaster a great preacher. It is not probable that what I have said here will ever reach the eyes of any young man in a situation like that in which Phillips Brooks found himself in 1857. Should it chance to do so, I may hope that Phillips Brooks and his one great early failure will preach, through me as a medium, a sermon hardly less pregnant with good than any which ever fell from his lips in the pulpit.

After Mr. Adams's remarks, the Society expressed its sense of loss by the members all rising and standing.

Mr. SOLOMON LINCOLN, from the Council, reported that in accordance with the vote passed at the last meeting of this Society he had communicated with the officers of the new Society, and that they had applied to the proper authority for such a change in their corporate name as would prevent any inconvenience from the similarity of names of the two Societies.

Communications from the third section having been called for, Mr. R. C. WINTHROP, Jr., said:—

I desire to communicate the original instructions to Joseph Dudley on his appointment to be Governor of New Hampshire. They are dated April 6, 1702, and are signed by Queen Anne and by the Earl of Manchester, one of her Secretaries of State. Five years ago, when Mr. Smith and I were editing for this Society the fifth volume of selections from the Winthrop Papers, we included in it many letters from Joseph Dudley, and we printed in the Appendix some miscellaneous papers of his which had found their way to the collection through an intermarriage between the two families. We should undoubtedly have printed this manuscript in that Appendix had we been aware of its existence, but it has come to light quite recently. I first looked upon it merely as an autograph of Queen Anne, supposing that her instructions had been issued in duplicate; but on examining the published Provincial Papers

of New Hampshire I found that although Dudley's commission and some shorter and later instructions to him are in print, no reference is made to these original ones. I then communicated with our Corresponding Member, Hon. Charles H. Bell, of Exeter, formerly Governor of New Hampshire, who kindly interested himself in the matter, and now informs me that no such document is on file in that State, where the discovery I have made is regarded as of some importance. I do not, however, imagine that these instructions will be found to differ materially from those issued to other provincial governors at the same period; and as they cover twenty-seven folio pages, I have no intention of reading them to the Society. The manuscript will be deposited in the archives of New Hampshire, and before it leaves Massachusetts, the Publishing Committee may be disposed to print it in our Proceedings.

I wish further to communicate, and am about to read, a letter from John Adams to the Rev. Aaron Bancroft, of Worcester, dated Quincy, Jan. 21, 1823, which I recently found among the papers of my grandfather, who was intimate with Dr. Bancroft, and who appears to have obtained from him a copy of this letter on account of its being so characteristic of the writer, who was then in his eighty-eighth year. Failing to find any reference to it in the "Life and Works of John Adams," I applied to our associate, Mr. C. F. Adams, who said that he had never met with it, and expressed great confidence that it was not in print. Our associate, Mr. Jenks, subsequently drew my attention to a notice of Dr. Aaron Bancroft in the eighth volume of Sprague's "Annals of the American Pulpit," in which occurs an extract from this letter, but a very brief one; and I have therefore been advised to communicate the whole of it to our Proceedings. It is in acknowledgment of a volume of sermons which Dr. Bancroft had just published, and of which John Adams expresses the most complimentary opinion; but he takes occasion, in so doing, to indulge in some interesting reminiscences of religious controversies, and to deliver himself of a by no means flattering appreciation of the New England clergy.

QUINCY, Jan'y 21. 1823.

DEAR SIR,—I thank you for your kind letter of Dec^r 30th, and above all for the gift of a precious volume. It is a chain of diamonds set in links of gold. I have never read or heard sermons better cal-

culated or adapted to the age & country in which they were written. How different from the sermons I heard & read in the town of Worcester from the year 1755 to 1758!

As my destiny in life has been somewhat uncommon, I must beg pardon for indulging in a little egotism. I may say I was born & bred in the centre of Theological & Ecclesiastical controversy. A sermon of Mr Bryant, minister of this parish, who lived on a spot now a part of the farm on which I live, occasioned the controversy between him & Mr Miles, Mr Porter, Mr Bass & many others. It broke out like the eruption of a volcano and blazed with portentious aspect for many years. The death of Dr Miller, the Episcopal minister of this town, produced the controversy between Dr Mayhew & Mr Apthorp, who were both so connected with this town that they might almost be considered inhabitants of it.¹ I may say that my eyes opened upon books of controversy between the parties of Mr Buckminster and Mr Miller. I became acquainted with Dyer, Doolittle & Baldwin, three notable disputants. Mr McCarty, though a Calvinist, was not a bigot, but the town was a scene of dispute all the time I was there. When I left, I entered into a scene of other disputations at the bar and, not long afterwards, disputations of another kind in politics. In later times I have lived with Atheists, Deists, Sceptics, — with Cardinals, Archbishops, Monks, Friars, of the Roman Catholic persuasion, — with Archbishops, Bishops, Deans & Priests of the Church of England, — with Farmer, Price, Priestly, Kippen, Rees, Lindsay, Disney & Jebb, — with the English & Scottish clergy in Holland & especially with Dr Maclain at the Hague. I have conversed freely with most of the sects in America, and have not been wholly inattentive to the writings & reasonings of all these denominations of Philosophers & Christians. You may well suppose, then, that I have had controversy enough. But, after all, I declare to you that your 29 sermons have expressed the result of all my reading, experience & reflection in a manner more satisfactory to me than I could have done in the best days of my strength.

The most afflictive circumstance that I have witnessed in the lot of humanity is the narrow views, the unsocial humors, the fastidious scorn & repulsive temper, of all denominations except one. I cannot conclude this letter without citing an anecdote. One of the zealous mendicants for contributions to the funds of Missionary Societies called upon a gentleman in Haverhill & requested his charity. The gentleman declined subscribing, but added "There are in and about the town of Newburyport nine clergymen, ministers of nine congregations, not one of whom

¹ For some account of these religious controversies in Quincy, see our late associate Dr. Lunt's "Centennial Discourses," published in 1840, and C. F. Adams's "Episodes of Massachusetts History," vol. ii. pp. 631, 637-640.

lives on terms of civility with any other, will admit none other into his pulpit, nor be permitted to go into the pulpit of any other. Now, if you will raise a fund to convert these nine clergymen to Christianity, I will contribute as much as any other man."

I am, Sir, with great respect & esteem,

Your obliged friend & hum^t serv^t,

JOHN ADAMS.

To the Rev^d Doct^r BANCROFT.

The Instructions to Governor Dudley, referred to in Mr. Winthrop's remarks, are as follows:—

Instructions for Our Trusty and Welbeloved Joseph Dudley Esq^r Our Governor and Commander in Chief in and over Our Province of New-Hampshire in New England in America.

Given at Our Court at S^t James's the 6th day of April 1702 in the First Year of Our Reign.

With these Our Instructions you will receive Our Commission under the Great Seal of England, constituting you Our Governor and Commander in Chief in & over all that part of Our Province Bounds of the of New-Hampshire within Our Dominion of New-Eng- Province. land in America, lying and extending itself from three Miles North- ward of Merrimack River, or any part thereof unto the Province of Maine with the South part of the Isle of Shoals.

And being arrived there you are to take upon you the Execution of the Place and Trust We have reposed in you, and forthwith to call together the Members of Our Councill in that Province, Govern^t & viz^t William Partridge, John Hinks, Nathanael Fryer, Councill to be Peter Coffin, Robert Elliot, John Gearish, John Ware, Sworn.

William Vaughan, Samuell Penhallow, George Jeffrey, John Plaisted, and Henry Dow Esq^r At which Meeting after having published with all due and usual Solemnity, Our said Commission, constituting you Our Governor and Commander in Chief in and over Our Province, you shall yourself take and also administer unto each of the Members of Our said Council, as well the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, as also the Test, together with an oath for the due Execution of your, and their Places and Trusts, as well with regard to the equal and impartial Administra^con of Justice in all Causes that shall come before you, as otherwise, and likewise the oath required to be taken by Governors of Plantations to do their utmost, that the Laws relating to the Plantations be observed: And both you and they shall also subscribe the Association mentioned in a late Act of Parliament entituled

An Act for the better Security of His Majesty's Royal Person and Government.

You are to communicate forthwith unto Our said Council such and Instructions so many of these Our Instructions, wherein their advice to be Communicated. and consent are mentioned to be requisite, as likewise all such others from time to time as you shall find convenient for Our Service to be imparted unto them.

Freedom of Our Will and Pleasure is, That you permit the Members Debate in of Our said Councill to have and enjoy Freedom of Councill. Debate and Vote in all affairs of Public concern that may be debated in Council.

And althō by Our Commission aforesaid We have thought fitt to direct, that any three of Our Council make a Quorum ; it is nevertheless Our Will and Pleasure, that you do not act with a Five a Quorum. Quorum of less than five Members, except upon Extraordinary Emergencies.

And that We may be allways informed of the Names and Characters of Persons fitt to supply the vacancies that shall happen in Our said Six names Council, you are to transmitt unto Us, by one of Our Principal Secretaries of State, and to Our Commissioners for for new Coun- cill^s to be transmitted. Trade and Plantations, with all convenient speed, the Names and Characters of six Persons Inhabitants of Our said Province, whom you shall esteem the best qualifyed for that Trust : and so from time to time, when any of them shall dye, depart out of Our said Province, or become otherwise unfit, you are to nominate so many other Persons to Us in their stead, that the List of six Persons fitt to supply the said vacancies may be allways compleat.

Names & Qualities of new Counsell^s to Our Commissioners for Trade and Plantations the to be sent. Names and Qualities of any Members by you putt into Our said Council, by the first Conveniency after your so doing.

And in the choice and nomination of the Members of Our said Councill, as also of the Principal Officers, Judges, Assistants, Justices and Qualifications of all Officers. Sheriffs, you are always to take care that they be men of good Life, and well affected to Our Government, and of good Estates and abilities, and not necessitous People, or much in Debt.

Our Will and Pleasure is, that you do neither augment, nor diminish the number of Our said Councill as it is hereby established, nor suspend any of the present Members thereof without good how to be made & accounted for. and sufficient cause ; and in case of suspension of any of them, you are to cause your reasons for so doing, together with the charges and Proofs against the said Persons, and their Answers thereunto (unlesse you have some extraordinary reason to the contrary) to be duly entred upon the Council Books, and you are

forthwith to transmitt the same, together with your reasons for not entering them upon the Councill Books (in case you do not so enter them) unto Us and to Our Commissioners for Trade and Plantations as aforesaid.

You are to signify Our Pleasure unto Our said Councill of New-hampshire, that if any of them shall hereafter absent themselves from the said Province, and continue absent above the space of ^{Councill's absence.} Twelve months together, without leave from you, or from Our Governor or Commander in Chief for the time being, ^{of place.}

first obtained, or shall remain absent for the space of Two years or the greater part thereof successively without Our leave given them under Our Royal Sign Manual, their Place or Places in Our said Council, shall immediately thereupon become void, and that We will forthwith appoint others in their stead.

You are to observe in the passing of Laws, that the ^{Style of Enacting} Laws of enacting the same be by the Governor, Councill and Assembly, and no other.

You are also as much as possible, to observe in the passing of all Laws, that whatever may be requisite upon each different matter be accordingly provided for by a different Law, without intermixing in one and the same Act such things as have ^{Direction in the passing of Laws.} no proper relation to each other, and you are more especially to take care, that no Clause or Clauses be inserted in, or annexed to any Act, which shall be forreign to what the Title of such respective Act imports.

You are to transmitt authentick Copies of all Laws, Statutes, and Ordinances now in force, or which at any time shall be made and enacted within Our said Province each of them separately ^{Copies of all Laws to be Transmitted.} under the publick Seal unto Us, and to Our said Commissioners for Trade and Plantations, within Three Months or sooner, after their being enacted, together with Duplicates thereof by the next Conveyance, upon pain of Our highest Displeasure and the Forfeiture of that year's salary, wherein you shall at any time, or upon any pretence whatsoever omitt to send over the said Laws and Ordinances aforesaid within the time above limited, as also of such other Penalty as We shall please to inflict. But if it shall happen that during time of War no shipping shall come from Our said Province within three months after the making such Laws, Statutes and Ordinances, whereby the same may be transmitted as aforesaid, then the said Laws, Statutes, and Ordinances are to be transmitted as aforesaid by the next Conveyance after the making thereof, when ever it may happen for Our Approbation or Disallowance of the same.

You shall take care, that the Members of the Assembly ^{Members of ye Assembly to be Freeholders.} be elected only by Freeholders, as being most agreeable to the custom of England, to which you are as near as may be, to conform your self.

And you shall reduce the salary of the Members of the Assembly Their Salary to to such a moderate proportion, as may be no grievance to be Reduc'd. the Country, wherein nevertheless you are to use your Discretion, so as no inconveniency may arise thereby.

And for as much as great Prejudice may happen to Our Service, and the security of the said Province by your Absence from those Parts, The Govern^r without a sufficient cause and especial leave from Us, For may not come the prevention whereof you are not upon any pretence to Europe wthout leave. whatsoever to come to Europe from your Government, without having first obtained leave for so doing, from Us, under Our Sign Manual and Signet or by Our Order in Our Privy Council.

You are to take care, that in all Acts or Orders to be past within that Our Province, in any case for levying money, or imposing Fines Fines to be and Penalties, express mention be made that the same is reserved to granted or reserved unto Us, Our Heirs and Successors, her Maj^y. for the publick uses of that Our Province, and the support of the Government thereof, as by the said Act or Order shall be directed.

You are not to permitt any Clause whatsoever to be inserted in any Money Levyed Law for levying mony, or the value of mony, whereby to be Accounted the same shall not be made lyable to be accounted for for to her Maj^y. unto Us here in England, and to Our Commissioners of Our Treasury, or Our High Treasurer for the time being.

You are to take care, that fair Books of Accounts of all Receipts and Payments of all such mony be duly kept, and the Truth thereof at Account of tested upon Oath, and that the said Books be transmitted all publick every half year or oftner to Our Commissioners of Our money to be transmitted. Treasury, or High Treasurer for the time being, and to Our Commissioners for Trade and Plantations, & Duplicates thereof by the next Conveyance; In which Books shall be specifyed every particular Summ raised or disposed of, together with the Names of the Persons to whom any Payment shall be made, to the end We may be satisfyed of the Right and due Application of the Revenue of Our said Province.

You are not to suffer any publick mony whatsoever to be issued or Publick money disposed of; otherwise than by Warrant under your hand, to be Issued by and with the advice and Consent of Our said Council; by Warrant. but the Assembly may be nevertheless permitted from The Assembly time to time to view and examine the Accounts of mony may view the Accounts or value of mony disposed of by virtue of Laws made by thereof. them which you are to signifie unto them as there shall be occasion.

Whereas it is necessary that due Provision be made for the support of the Government of Our said Province, by setting apart sufficient

Allowances to you Our Governor and to such as shall hereafter be Our Governor or Commander in Chief residing for the time being within the same, you are to propose to the General Assembly of Our said Province, and accordingly to use your Endeavours with them, that an Act be passed for settling and establishing fixed salaries upon yourself and others Our Governors and Commanders in Chief for the time being, suitable to the ability of the Inhabitants, and the dignity of your office.

The setting fixed Salaries on Govern^r to be Endeavoured.

We do particularly require and command, that no money or value of money whatsoever be given or granted by any Act or Order of Assembly to any Governor Lieutenant Governor or Commander in Chief of Our said Province, which shall not according to the Title of Acts of Parliament in England, be mentioned to be given and granted unto Us, with the humble desire of such Assembly, that the same be applied to the Use and Behoof of such Governor, Lieutenant Governor or Commander in Chief, if We shall so think fitt, or if We shall not approve of such Gift or Application, that the said mony or value of mony be then disposed of and appropriated to such other uses, as in the said Act or Order shall be mentioned ; And that from the time the same shall be raised, it remain in the hands of the Receiver of that our Province, until Our Royal Pleasure be known therein.

How Acts for Granting money to any Govern^r &c. shall be comp'd.

Our Express Will and Pleasure is, that all Laws whatsoever for the good Government and Support of Our said Province be made indefinite, and without Limitation of time, except the same be for a Temporary end, and which shall expire and have its full effect within a certain time.

Acts to be made without Limitation of time, &c.

And therefore you shall not re-enact any Law, which hath, or shall have been once enacted there, except upon very urgent occasions ; but in no Case more than once, without Our express Consent.

Laws not to be Re-enacted.

You shall not remitt any Fines or Forfeitures whatsoever above the Summ of Ten pounds, nor dispose of any Escheats, Fines or Forfeitures whatsoever, until upon signifying unto Our Commissioners of Our Treasury, or Our High Treasurer for the time being, and to Our Commissioners for Trade and Plantations, the nature of the offence, and the occasion of such Fines, Forfeitures or Escheats, with the particular Summs or value thereof (which you are to do with all speed) you shall have received Our Directions therein : But you may in the mean time suspend the Payment of the said Fines and Forfeitures.

How Fines are to be Remitted, & Disposed of.

You shall not permitt any Act or Order to pass in Our said Province, whereby the Price, or value of the Current money within your Government (whether it be foreign,

The value of money not to be altered wthout leave.

or belonging to Our Dominions) may be altered without Our particular leave or Direction for the same.

You are particularly not to pass any Law, or do any Act, by Grant, No Law to be Settlement, or otherwise, whereby Our Revenue may be pass'd that lessens her Maj: lessened or impaired, without Our especial Commands Revenue. therein.

And whereas We have been informed, that great Spoiles are daily committed in Our Woods in Our Province of New Hampshire, and Great Timber other parts within your Government, by cutting down, to be preserv'd and converting to private uses such Trees, as are or may for ye navy. be proper for the service of Our Royal Navy, and it being necessary that all Practices which tend so evidently to deprive Us of those supplies, be effectually restrained; Our Will and Pleasure is, that upon consideration of the occasions of such Abuses, the Methods by which they are carryed on, and the inconveniences that attend them you use your endeavours with Our Councill and the Assembly of New-Hampshire, to dispose them to pass Acts for the better preventing the further spoil of those Woods, and for preserving a Nursery of such Trees, as may be usefull for Our service, and in case you cannot prevail with them to pass Acts proper and sufficient for those Purposes, that you send over hither the heads of such a Bill, as may be effectual for those ends, and fit to be enacted here.

In case any Goods, Money or other Estate of Pirates or Piratically taken, shall be brought in or found within Our said Province of New-Pirates Goods Hampshire, or taken on board any Ships or Vessells; you to be seized &c. are to cause the same to be seized and secured, until you shall have given Us an account thereof, and received Our Pleasure concerning the Disposal thereof: But in case such Goods, or any part of them are perishable, the same shall be publickly sold and disposed of and the produce thereof in like manner secured til Our further Order.

And Whereas We have been pleased to grant Commissions unto Several Persons in Our respective Plantations in America, for the trying How to Proceed of Pirates in those parts, pursuant to the Act for the agst Pirates, & more effectuall Suppression of Piracy; And by a Commission already sent to Our Province of New-Hampshire, you (as Captain General and Governor in Chief of Our said Province) are impowered, together with others therein mentioned, to proceed accordingly, in reference to Our said Province; Our Will and Pleasure is, that in all matters relating to Pirates, you govern yourself according to the intent of the Act and Commission aforementioned: But whereas Accessories in Cases of Piracy beyond the Seas, are by the said Act left to be tryed in England, according to the Statute of the 28th of King Henry the Eighth, We Do hereby further direct and require you to send all such Accessories in Cases of Piracy in Our foresaid

Province, with the proper Evidences that you may have against them, into England, in order to their being tryed here.

You are to require the Secretary of Our said Province, or his Deputy for the time being, to furnish you with Transcripts of all such Acts & Publick Orders as shall be made from time to time, together with Copies of the Journals of the Council and Assembly, to the end the same may be transmitted unto Us, and to Our Commissioners for Trade and Plantations as above directed, which he is duly to perform, upon pain of incurring the Forfeiture of his Place.

Transcripts of
Acts & Copies
of ye Journals
of Councill &
Assembly to be
Transmitted.

You shall transmitt unto Us, and to Our Commissioners for Trade and Plantations, by the first Opportunity, a map with the exact Description of the whole Territory under your Government, with the several Plantations upon it, and of the Fortifications.

A map of ys
Territory to be
Transmitted.

You shall not displace any of the Judges, Justices, Sheriffs or other Officers or Ministers within Our said Province, without good and sufficient Cause to be signified unto Us, and to Our said Commissioners for Trade and Plantations; and to prevent arbitrary removals of Judges and Justices of the Peace, you shall not express any Limitation of time in the Commissions (which you are to grant with the Advice and Consent of Our said Councill to fit Persons for those Impleyments) nor shall you execute yourself, or by Deputy, any of the said Offices, nor suffer any Person to execute more offices than one by Deputy.

Civill Officers
how to be
Commissionated
& Remov'd.

You shall not erect any Court or Office of Judicature, not before erected or established, nor dissolve any Court already erected or established, without Our especiall Order.

No new Court
to be Erected,
nor any Court
to be Dissolved.

You are to transmitt unto Us, and to Our Commissioners for Trade and Plantations, with all convenient speed, a particular Account of all Establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees and Privileges, granted or settled within Our said Province, to the end you may receive Our further Directions therein.

Account of Es-
tablisht' of
Courts &c. to
be Transmitted.

You shall likewise take especial care, with the Advice and Consent of Our said Council, to regulate all Salaries and Fees belonging to Places, or paid upon Emergencies, that they be within the Bounds of Moderation, and that no Execution be made upon any occasion whatsoever: as also that Fees be publickly hung up in all Places where such Fees are to be paid; and you are to transmitt Copies of all such Tables of Fees to Us, and to Our Commissioners for Trade and Plantations as aforesaid.

Salaries and
fees to be
regulated.

You are to permitt a Liberty of Conscience to all Persons (except Papists) so they be contented with a quiet

Liberty of
Conscience.

and peaceable Enjoyment of the same, not giving Offence or Scandal to the Government.

You are to take care, that Drunkeness & Debauchery, Swearing, and Debauchery to Blasphemy be discountenanced and punished, and that be Discounte- none be admitted to publick Trusts and Employments in nanced. Our said Province, whose ill Fame and Conversation may occasion Scandal.

You shall administer or cause to be administred the Oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance and Oaths to be Ad- Supremacy, as also the Test, to the Members and Officers ministrered to all of Our Council and Assembly; and to all Judges, Justices, Officers &c^a. and all other Persons that hold any office or Place of Trust, or Profit in Our said Province, whether by vertue of any Patent under Our Great Seal of England, or Our Seal of New-hampshire, or otherwise, and likewise require them to subscribe the forementiond association; without which you are not to admitt any Person whatso-ever into any publick office, nor suffer those that have been admitted formerly to continue therein.

You shall send an Account to Us, and to Our Commissioners for Trade and Plantations, of the present number of Planters and Inhabitants to An Account of Men, Women, and Children, as well Masters as the number of Servants, Free and unfree, and of the Slaves in Our said Province, as also a yearly Account of the Increase or Decrease of them, and how many of them are fitt to bear arms in the Militia of Our said Province.

You shall also cause an exact Account to be kept of all Persons Account of Ps ons born, christened and buried, and you shall yearly send born x^{ned} and buried to be kept, fair Abstracts thereof to Us, and to Our Commissioners & Transmitted. for Trade and Planta^cons as aforesaid.

You are to take care that no Man's Life, Member, Freehold, or Goods be taken away or harmed in Our said Province under your Life, Member or Estate not to be harmed by Law. Government, otherwise than by established and known Laws, not repugnant to, but as much as may be, agreeable to the Laws of England.

You shall take care, that all Planters and Christian Servants be well and fitly provided with Arms, and that they be Listed under good Officers, and when, and as often as shall be thought fitt, mustered and trained, whereby they may be in a better All Planters &c^a to be Armed, listed & mustered. readiness for the Defence of Our Province under your Government.

You are to take especial care, that neither the Frequency, nor unreasonableness of remote Marches, Musters, and Trainings be an unnecessary Impediment to the Affairs of the No long Marches. Inhabitants.

You shall not upon any occasion whatsoever establish or putt in

execution any Articles of War, or other Law martial, Martiall Law not to be Executed upon any of Our Subjects, Inhabitants of Our said Province, without Consent of Councill.

And whereas there is no power given you by your Commission to execute Martial Law in time of Peace, upon Soldiers in pay, and that nevertheless it may be necessary that some care be taken Act for punishing Mutiny &c to be recommended to be made. for the keeping of good Discipline amongst those, that We may at any time think fitt to send into Our said Province (which may properly be provided for by the Legislative power of the same) you are therefore to recommend unto the Generall Assembly of Our said Province, that, (if not already done) they prepare such Act or Law for the punishing of Mutiny, Desertion and false Musters, and for the better preserving of good Discipline amongst the said Soldiers as may best answer those ends.

Whereas upon Complaints that have been made to Us of the irregular Proceedings of the Captains of some of Our Ships of War in the impressing of seamen in several of Our Plantations, We Power of Impressing Seamen for Ships of War committed to y^e Govern^r have thought fitt to order, and have given Direction to Our Lord High Admiral accordingly, that when any Captain or Commander of any of Our Ships of War in any of Our said Plantations shall have occasion for Seamen to serve on board Our Ships under their Command, they do make their Application to the Governors and Commanders in Chief of our Plantations respectively, to whom as Vice-Admirals We are pleased to committ the sole power of impressing Seamen in any of Our Plantations in America, or in sight of any of them ; you are therefore hereby required upon such application made to you by any of the Commanders of Our said Ships of War within Our said Province of New-Hampshire, to take care, that Our said Ships of War be furnished with the number of Seamen that may be necessary for Our Service on board them from time to time.

And Whereas it is absolutely necessary, that We be exactly informed of the State of Defence of all Our Plantations in America in every respect, and more especially with relation to the Forts and Fortifications that are in each Plantation, and what more may be necessary to be built for the Defence and Security of the same ; you are so soon as possible after your arrival in New Hampshire, to prepare an Account thereof with relation to Our said Province in the most particular manner ; and to transmitt the same to Us, and to Our Commissioners for Trade and Plantations, and the like Accounts afterwards yearly.

You shall cause a Survey to be taken of all the considerable Landing Places and Harbours in Our said Province, and with the Advice of Our Councill there, erect in any of them such Fortifications All Harbours as shall be necessary for the security and advantage of to be fortified. that Province, which shall be done at the publick Charge of the Coun-

try, and you are accordingly to move the general Assembly to the passing of such acts as may be requisite for the carrying on of that work, in which We doubt not of their chearfull concurrence from the Common Security & Benefit they will receive thereby.

You shall take an Inventory of all Arms, Ammunition and Stores remaining in any of our Magazines or Garrisons in Our said Province, Account of Arms and send an Account of them forthwith after Your Ar- &c. to be taken. rival, and the like Account Yearly to Us, and to Our Commissioners for Trade and Plantations.

Storehouses for Arms &c. to be Setled. You are to take especial care, that fit store-houses be settled throughout Our said Province for receiving and keeping of Arms, Ammunition, and other publick Stores.

Other Plantations to be Assisted in Distresse. In case of any distress of any other of Our Plantations, you shall upon Application of the respective Governors thereof to you, assist them with what aid the Condition and Safety of your Government can permitt.

That We may be the better informed of the Trade of Our said Province; you are to take care, that due Entries be made in all Ports of Due Entries to be made in all Ports &c. all Goods and Commodities, their species and quantities imported or exported from thence, with the names, Burden and Guns of all Ships importing and exporting the same, also the names of their Commanders, and likewise expressing from and to what Places the said Ships do come and go, a Copy whereof the Naval Officer is to furnish you with; and you are to transmitt the same to Us, to Our Commissioners of Our Treasury, or Our High Treasurer for the time being, and to Our Commissioners for Trade and Plantations, quarterly, and Duplicates thereof by the next Conveyance.

Whereas We have been pleased to give orders for the Commissioning of fit Persons to be Vice-Admirals and Officers of Admiralty & Customs to be Incourag'd. Our Admiralty and Customs in Our Severall Plantations in America; and it is of great Importance to the Trade of this Kingdom, and to the Welfare of Our Plantations, that illegal Trade be every where discouraged; you are to give all due Countenance and Incouragement to the said Officers of Our Admiralty and Customs in the Execution of their respective Offices and Trusts.

You are to suppress the Ingrossing of Commodities, as tending to the Ingrossing of Commodities to be Suppress'd. Prejudice of that Freedom which Trade and Commerce ought to have, and to Settle such Orders and Regulations therein, with the advice of Our said Council, as may be most acceptable to the Generality of the Inhabitants.

You are to give all due encouragement and Invitation to Merchants Merchants to be Encouraged. and others who shall bring Trade unto Our said Province, or any ways contribute to the advantage thereof, and in particular to the Royal African Company of England.

And you are to take care, that there be no trading from Our said

Province to any place in Africa, within the Charter of the Royal African Company, otherwise than prescribed by a late Trade to Africa Act of Parliament, entituled An Act to Settle the Trade to be regulated to Africa.

You are not to grant Commissions of Marque, or Reprizals against any Prince or State, or their Subjects in Amity with Comissions of Us, to any Person whatsoever, without Our especiall Marque to whom to be Granted.

You are not to admit or allow of any Appeals whatsoever to be made from the Governor & Council unto the Assembly; But whereas We judge it absolutely necessary, that all Our Subjects may Direction abt have Liberty to appeal unto Us, in cases that may deserve Appeals. the same; Our Will and Pleasure is, that if either Party shall not rest satisfied with the Judgement or Sentence of you Our Governor or the Commander in Chief for the time being, and Council, they may then appeal unto Us in Our Privy Council, Provided the matter in difference exceed the real value or summ of Three hundred pounds sterlign, and that such appeal be made within fourteen days after sentence, and good security first given by the Appellant, that he will effectually prosecute the same and answer the Condemnation as also pay such Costs and Damages, as shall be awarded by Us, in case the sentence of you the Governor or the Commander in Chief for the time being, and Council be affirm'd; And provided also, that Execution be not suspended by reason of any such Appeal unto Us.

And in as much as it may not be fit, that Appeals be too frequently, and for too small a value brought unto the Governor and Council, you shall therefore with the advice of the Council propose a Law to be passed, wherein the Method and Limitation of Appeals unto the Governor and Council may be settled and restrained, in such manner as shall be found most convenient and easy to Our Subjects in Our said Province.

You are for the better Administration of Justice to endeavour to get a Law passed in the Assembly (if not already done) A Law to be Pass'd for Qualifying Jurors. wherein shall be set the value of Men's Estates, either in Goods or Lands, under which they shall not be capable of serving as Jurors.

You are to propose an Act to be passed in the Assembly, whereby the Creditors of Persons becoming Bankrupts in England, and having Estates in New-Hampshire, may be relieved and Satisfyed for the Debts owing to them. Bankrupts not to hide, & their Estates to be secur'd for y^r Credit^s.

You are to take care by, and with the advice & Assistance of Our said Council, that the Prison there, if it want reparation, be forthwith repaired, and put into, and kept in such a Condition, as may sufficiently secure the Prisoners that are, or shall be there in Custody of the Provost Martial. Prison to be made & kept Sufficient.

You shall endeavour to gett a Law passed, for the restraining of inhuman severities, which by ill Masters or Overseers may be used to Cruelty to servants to be Prevented. towards their Christian Servants, and their Slaves, and that Provision be made therein, that the willfull killing of Indians and Negroes may be punished with Death, and that a fitt penalty be imposed for the maiming of them.

You are also with the assistance of Our Council & Assembly to find Conversion out the best means to facilitate and incourage the Conversion of Infidels. of Negroes & Indians to the Christian Religion.

You are to recommend to the Council & Assembly, the raising of Stocks for the Poor. Stocks, and building Publick Work-Houses, in convenient places, for the employing of Poor and Indigent People.

And for as much as great Inconveniencies may arise by the Liberty of Printing within Our said Province, you are to provide by all necessary Orders, that no person keep any Press for printing upon any occasion whatsoever, without your especiall License first obtained.

particular Acc^o to ye L^{dd} Commiss^{rs} of Trade. You are upon all occasions to send unto Us, and to Our Commissioners for Trade and Plantations a particular Account of all your Proceedings, and of the Condition of Affairs within your Government.

You are from time to time, to give unto Us and to Our Commissioners for Trade & Planta^cons as aforesaid, an Account of the Wants New Improve- & Defects of Our said Province, what are the Chief Pro- ments. ducts thereof, what new Improvements are made therein by the Industry of the Inhabitants or Planters, and what further Im- provements you conceive may be made, or advantages gained by Trade, and which way We may contribute thereunto.

And if any thing shall happen, which may be of advantage or security to Our said Province, which is not herein, or by Our Commission Present Orders provided for, We Do hereby allow unto you, with the in great Cases. advice & Consent of Our said Council, to take order for the present therein, giving to Us, by one of Our Principal Secretaries of State, and to Our foresaid Commissioners for Trade and Plantations, speedy Notice thereof, that so you may receive Our Confirmation, if We shall approve the Same.

Provided always, and Our Will and Pleasure is, that you do not by Colour of any Power or Authority hereby given you, commence or de- No War but clare War without Our Knowledge, and particular Com- by Direction. mands therein; except it be against Indians upon Emer- gencies, wherein the Consent of Our Council shall be had, and speedy notice thereof given unto Us.

Whereas We have been pleased by Our Commission to direct, that in case of your Death or Absence from Our said Province, and in case there

be at that time no person upon the Place commissionated or appointed by Us, to be Our Lieutenant Governor or Commander in Chief, the then present Council of our foresaid Province of New-Hampshire shall take upon them the Administration of the Government, and execute Our said Commission, and the Severall Powers and Authorities therein contained, in the manner therein directed; it is nevertheless Our Express Will and Pleasure, that in such a case the said Council shall forbear to pass any Acts, but what are immediately necessary for the Peace and Welfare of Our said Province, without Our particular order for that purpose.

And whereas the Lords Spiritual and Temporal in Parliament upon consideration of the great Abuses practised in the Plantation Trade, have, by an humble address represented to Us the great Importance it is of, both to this Our Kingdome, & to Our Plantations in America, that the many good Laws which have been made for the Government of the said Plantations, and particularly the Act past in the 7th and 8th Years of the Reign of the late King of Glorious Memory, entituled an Act for preventing Frauds and regulating Abuses in the Plantation Trade be strictly observed; you are therefore to take notice that whereas notwithstanding the many good Laws made from time to time for preventing of Frauds in the Plantaçon Trade, it is nevertheless manifest that very great Abuses have been, and continue stil to be practised to the Prejudice of the Same, which Abuses must needs arise either from the Insolvency of the Persons who are accepted for Security, or from the remissness or Conivance of such as have been, or are Governors in the several Plantations, who ought to take care that those persons who give Bond should be duly prosecuted in case of nonperformance, We take the Good of Our Plantations, and the Improvement of the Trade thereof, by a strict and punctual observance of the Several Laws in force concerning the same to be of so great Importance to the Benefit of this Our Kingdome, and to the advancing of the Duties of Our Customs here, that if We shal be hereafter informed, that at any time there shall be any failure in the due observance of those Laws within Our foresaid Province of New Hampshire, by any wilfull fault or neglect on your part, We shall look upon it as a breach of the Trust reposed in you by Us, which We shall punish with the loss of your Place in that Government, and such further marks of Our Displeasure as We shall judge reasonable to be inflicted upon you for your offence against Us, in a matter of this Consequence, that We now so particularly charge you with.

By her Majesties Command

MANCHESTER.

Dr. SAMUEL A. GREEN, after showing two volumes that had been completely riddled by the ravages of insects, as well

as some specimens of the animals in various stages, made the following remarks: —

For a long period of years I have been looking for living specimens of the so-called "book worm," of which traces are occasionally found in old volumes; and I was expecting to find an invertebrate animal of the class of Anellides. In this library at the present time there are books perforated with clean-cut holes opening into sinuous cavities, which usually run up the back of the volumes, and sometimes perforate the leather covers and the body of the book; but I have never detected the live culprit that does the mischief. For the most part the injury is confined to such as are bound in leather, and the ravages of the insect appear to depend on its hunger. The external orifices look like so many shot-holes, but the channels are anything but straight. From a long examination of the subject I am inclined to think that all the damage was done before the library came to this site in the spring of 1833. At all events, there is no reason to suppose that any of the mischief has been caused during the last fifty years. Perhaps the furnace heat dries up the moisture which is a requisite condition for the life and propagation of the little animal.

Nearly two years ago I received a parcel of books from Florida, of which some were infested with vermin, and more or less perforated in the manner I have described. It occurred to me that they would make a good breeding-farm and experiment station for learning the habits of the insect; and I accordingly sent several of the volumes to my friend Mr. Samuel Garman, who is connected with the Museum of Comparative Zoölogy at Cambridge, for his care and observation. From him I learn that the principal offender is an animal known popularly as the Buffalo Bug, though he is helped in his work by kindred spirits, not allied to him according to the rules of Natural History. Mr. Garman's letter gives the result of his labors so fully as to leave nothing to be desired, and is as follows: —

MUSEUM OF COMPARATIVE ZOÖLOGY, CAMBRIDGE, MASS.,
February 7, 1893.

Dr. SAMUEL A. GREEN, Boston, Mass.

SIR, — The infested books sent for examination to this Museum, through the kindness of Mr. Geo. E. Littlefield, were received July 15, 1891. They were inspected, and individuals of a couple of species of

living insects were at once enclosed in glass for further developments. A year afterward live specimens of both kinds were still at work. Besides those that reached us alive, a third species had left traces of former presence in a number of empty egg-cases.

Five of the volumes were bound in cloth. On these the principal damage appeared at the edges, which were eaten away and disfigured by large burrows extending inward. Two volumes were bound in leather. The edges of these were not so much disturbed; but numerous perforations, somewhat like shot-holes externally, passed through the leather, enlarging and ramifying in the interior. As if made by smaller insects, the sides of these holes were neater and cleaner cuttings than those in the burrows on the edges of the other volumes.

The insects were all identified as well-known enemies of libraries, cabinets, and wardrobes. One of them is a species of what are commonly designated "fish bugs," "silver fish," "bristle tails," etc. By entomologists they are called *Lepisma*; the species in hand is probably *Lepisma saccharina*. It is a small, elongate, silvery, very active creature, frequently discovered under objects, or between the leaves of books, whence it escapes by its extraordinary quickness of movement. Paste and the sizing or enamel of some kinds of paper are very attractive to it. In some cases it eats off the entire surface of the sheet, including the ink, without making perforations; in others the leaves are completely destroyed. The last specimen of this insect in these books was killed February 5, 1893, which proves the species to be sufficiently at home in this latitude.

The second of the three is one of the "Buffalo Bugs," or "Carpet Bugs," so called; not really bugs, but beetles. The species before us is the *Anthrenus varius* of scientists, very common in Boston and Cambridge, as in other portions of the temperate regions and the tropics. Very likely the "shot-holes" in the leather-bound volumes are of its making, though it may have been aided in the deeper and larger chambers by one or both of the others. The damage done by this insect in the house, museum, and library is too well known to call for further comment. Living individuals were taken from the books nearly a year after they were isolated.

The third species had disappeared before the arrival of the books, leaving only its burrows, excrement, and empty egg-cases, which, however, leave no doubt of the identity of the animal with one of the cockroaches, possibly the species *Blatta Australasiae*. The cases agree in size with those of *Blatta Americana*, but have thirteen impressions on each side, as if the number of eggs were twenty-six. The ravages of the cockroaches are greatest in the tropics, but some of the species range through the temperate zones and even northward. An extract from Westwood and Drury will serve to indicate the character of their work:—

"They devour all kinds of victuals, dressed and undressed, and damage all sorts of clothing, leather, books, paper, etc., which if they do not destroy, at least they soil, as they frequently deposit a drop of their excrement where they settle. They swarm by myriads in old houses, making every part filthy beyond description. They have also the power of making a noise like a sharp knocking with the knuckle upon the wainscoting, *Blatta gigantea* being thence known in the West Indies by the name of drummer; and this they keep up, replying to each other, throughout the night; moreover they attack sleeping persons, and will even eat the extremities of the dead."

This quotation makes it appear that authors as well as books are endangered by this outlaw. With energies exclusively turned against properly selected examples of both, what a world of good it might do mankind! The discrimination lacking, the insect must be treated as a common enemy. As a bane for "silver fish" and cockroaches, pyrethrum insect powder is said to be effectual. For a number of years I have used, in the "Agassiz Museum," a mixture containing phosphorus, "The infallible Water Bug and Roach Exterminator," made by Barnard & Co., 459 Washington St., Boston, and, without other interest in advertising it, I have found it to be entirely satisfactory in its effects. Bisulphide Carbon, evaporated in closed boxes or cases containing the infested articles, is used to do away with the "Buffalo Bugs."

Very respectfully yours,

SAMUEL GARMAN.

The Hon. MELLEN CHAMBERLAIN presented the following paper: —

I have noticed in Mr. Doyle's "History of the Puritan Colonies" an error which I think should be corrected, especially as it relates to a matter which has been discussed by members of our Society, and reported in part in our Proceedings.

In February, 1869, our late associate, Prof. Joel Parker, in an elaborate lecture delivered before the Lowell Institute, discussed, among other subjects, the legality of the transfer of the corporation and charter of the Massachusetts Bay Company from England to Massachusetts in 1630. His views were not in accord with those which had been generally adopted by jurists and historians.

In December of the same year our late associate, Dr. Charles Deane, read before this Society a paper on "The Forms in issuing Letters Patent by the Crown of England," in which

he set forth facts tending to invalidate the views presented by Professor Parker.

I regard the facts and reasons contained in Dr. Deane's paper so conclusive that I do not propose to reopen the question ; and I only refer to it that I may place upon our records my dissent from Mr. Doyle's opinion which has been accepted by very high authority among our members.

What Mr. Doyle says is as follows : —

“ In anticipation of a future want, the grantees [of the Massachusetts charter] resisted the insertion of any condition which should fix the government of the company in England. Winthrop explicitly states that the advisers of the Crown had originally imposed such a condition, but that the patentees succeeded, not without difficulty, in freeing themselves from it.¹ That fact is a full answer to those who held that in transferring the government to America the patentees broke faith with the Crown.”²

And again : —

“ In describing the constitution of the colony Winthrop emphatically states that the original members of the Company were specially careful that no condition should be inserted in the original patent limiting the government of the colony to any corporation living in England. We may regard this as an answer to the charge that the transfer was an act of bad faith, an answer too all the more effective because it arose incidentally out of a different controversy.”³

It is not a little remarkable that a writer of Mr. Doyle's erudition and judgment should have fallen into the mistake indicated in the foregoing extracts. His mistake is in assuming that Winthrop's language has any reference whatever to the transfer of the corporation and its charter to Massachusetts Bay. I shall presently quote what Winthrop says ; but before doing so I will give a mere outline of events which led to the transfer of the corporation and charter.

March 19, 1628, Sir Henry Rosewell and several other English gentlemen bought of the Council established at Plymouth in England a tract of land which comprised what is now the greater part of the State of Massachusetts.

¹ This is stated by Winthrop in a pamphlet written in 1644, and published in an appendix to his *Life*, vol. ii. p. 448. — *Note by Mr. Doyle.*

² The Puritan Colonies (Amer. ed.), vol. i. p. 90.

³ *Ibid.* p. 263.

These grantees were not a corporation, and consequently they took title in the lands they purchased as tenants in common. Their grant did not carry with it any rights of jurisdiction over the soil, or government of the people who might settle upon it.

They therefore needed an agent to reside on their newly acquired property and to look after their interests therein; and accordingly, a few weeks after the date of their deed, they chose John Endicott, who left for Salem in June, 1828, and arrived there in September.

Though Endicott seems to have been a very efficient land-agent, yet affairs on neither side of the water were entirely satisfactory. The grantees in England needed corporate powers to enable them to conduct their business efficiently; and the planters in Massachusetts needed some sort of government.

Accordingly, after Endicott had been at Salem six months, Rosewell and his associates obtained from the king a charter, dated March 4, 1629, which constituted them a body corporate, with power to establish two governments,—one for themselves as a corporation in England, and another for the colonists or plantation in Massachusetts Bay.

This dual government under the charter needs to be clearly understood in order to avoid the misapprehension into which so many — among whom Mr. Doyle seems to be one — have fallen in treating the subject.

The charter authorizes the corporation to choose a governor, a deputy-governor and assistants, and “such other officers as they shall think fit and requisite for the ordering, managing, and despatching of the affairs of the said Governor and Company and their successors, and to make laws and ordinances for the welfare of the said company [that is, in England], and for the government and ordering of the said lands and plantation, and the people inhabiting and to inhabit the same.” This more clearly appears in the final paragraph, in which the corporation is authorized to make such laws as are incident to English corporations, and also “for the settling of the forms and ceremonies of government and magistracy fit and necessary for the said plantation and the inhabitants there, and for naming and styling of all sorts of officers, both superior and inferior, which they shall find needful for that government and plantation.”

Thus authorized by charter to conduct the general affairs of the corporation in England, and at the same time to set up a separate but subordinate government on and for the plantation, within a month thereafter (April 30, 1629), they chose Endicott governor of the plantation, gave him a deputy and council, and authorized them, as they say, "by power derived from his Majesty's letters patent, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, not contrary to the laws of the realm of England, for the present government of our plantation, and the inhabitants residing within the limits of our plantation."

Now, it was this subordinate government to which Winthrop referred, as will presently appear, and not to the government consolidated in the colony after the transfer of the charter. These two governments—one general in England, and the other subordinate in the colony—existed, and harmoniously performed their several functions until they were united by the arrival of Winthrop with the charter at Salem, June 12, 1630.

Such were the facts, and such was the interpretation of them by the company itself, by Winthrop, Endicott, and by all concerned.

It only remains to confirm these statements by placing by the side of them the passage from Winthrop's paper on "Arbitrary Government" which seems to have given rise to misapprehension. The passage is as follows:—

After stating the general provisions of the charter respecting the powers and organization of the corporation, he says:—

"The last clause is for the governing of the Inhabitants within the Plantation. For it being the manner for such as procured Patents for Virginia, Bermudas, and the West Indies to keep the chief Government in the hands of the company residing in England (& so this was intended & with much difficulty we got it absconded) this clause is inserted in this & all other Patents whereby the company in England might establish a government & officers here in any form used in England, as Governor and Council, Justices of the Peace, Mayor, Bayliffs &c, and accordingly Mr Endicott and others with him, were established a Governor & Council here, before the government was transferred hither."¹

¹ Life, vol. ii. pp. 442, 443.

Winthrop then quotes the clause from the charter which warrants this setting up of a government in the colony, while the corporation still remained in England, and in complete exercise of all its functions there.

He states the powers of the colony government "before," as he expressly says, "the Government was *transferred hither*"; and it was, as appears with equal explicitness, the right to set up this subordinate government that was obtained with much difficulty. So little reason, therefore, is there for quoting this passage as affirming the right to transfer the charter,—the thing complained of as an act of bad faith.

Mr. CHARLES F. ADAMS then read the following communication:—

A small stitched memorandum book, made of that coarse writing-paper in use a century ago, has recently been put in my hands, containing data jotted down by one Ebenezer Miller between the years 1777 and 1799. In Teele's History of Milton and in the "Three Episodes of Massachusetts History" will be found somewhat of an account of the Miller family, originally of Milton, and then of the North Precinct of Braintree, subsequently Quincy; and Ebenezer Miller, known as Major Miller in his day, was a son of the Rev. Ebenezer Miller, D.D., rector of Christ's Church, referred to in the letter of John Adams to the Rev. Aaron Bancroft, just submitted by our associate, Mr. Winthrop. Shortly before the Revolution he was one of the selectmen of Braintree; during the Revolution Major Miller, in common with all the other prominent members of Christ's Church, was a Tory "suspect"; and, later, he was one of the first board of selectmen of Quincy, when that town was in 1792 set off from Braintree.

Like most similar memorandum books kept in our New England country towns for their personal use and subsequent reference by men in no way remarkable,—whether in the last century or in this,—the book referred to contains few entries of interest. Such entries as there are relate as a rule to the dates at which the writer put his "ox and cow in Mrs. Beal's pasture," or "fetched" his "colt and heffer from Coll Millers," or when his "sow took boar at E. Haydens." Records of this description are, perhaps, about as valuable and as well worthy of preservation as much of the original matter of history

which is emptied out from the press in the collections of this and other similar societies, but that is a matter not immediately to be discussed ; meanwhile in the course of Major Ebenezer Miller's memoranda — covering as they do a period of twenty-two years — I find a few entries, relating, I am sorry to say, chiefly to the weather, which have a certain interest. The period covered, it is true, was not without its events of greater moment. The later years of the Revolution are included in it; the time of dreary depression which followed the War of Independence ; Shays's insurrection ; the incorporation of Quincy. In regard to not one of these things is an allusion even to be found in Ebenezer Miller's book ; he notes only farm and household events — and the weather.

We are quite accustomed even now whenever we have one or more cool summers or mild winters to newspaper theorizing over unmistakable climatic changes, attributed usually to some alteration in the current of the Gulf Stream or other equally plausible though recondite cause. We also periodically hear reminiscences of what are referred to as "old-fashioned winters," — a description of winter supposed to have passed out of date ; the fact apparently being that the "old-fashioned" winter, formerly as now, occurred once in about twenty years, but was, now is, and hereafter will be remembered for exceptional severity, while the intervening and ordinary winters pass into quiet oblivion.

Of these "old-fashioned Winters" that of 1780 was among the most memorable. It was the famous and trying winter of Valley Forge. Writing from Braintree, a neighbor and acquaintance of Ebenezer Miller described it as "the sublimest winter I ever saw. In the latter part of December and beginning of January there fell the highest snow known since the year 1740 ; and from that time to [the close of February] the Bay has been frozen so hard that people have walked, rode and sledded over it to Boston. It was frozen across Nantasket Road so that no vessel could come in or go out for a month after the storms."¹ Writing on the 27th of November, 1779, Ebenezer Miller noted "their has not been but verry little Rain all this fall till yesterday when it came on a violent storm of Rain which turned to Snow in the evening." Then on

¹ *Familiar Letters of John Adams and his Wife*, p. 377. See also 6 *Mass. Hist. Coll.* vol. v. p. 392

December 2 "a cold Rain Storm," and on the 5th "a snow storm Good Sleding." Then, 1780, January 1, "the ground has been covered with Snow from 26 Nov'r and this day set in Violent Cold. 10 it has Snowed almost every day from the first of this month the snow over the tops of many fences. Feb. 7 Supposed to be $3\frac{1}{2}$ feet Deep if Leavel. it has been fair for about 4 week but extrem cold but verry few days from 1 Jan'y that it has Dropt of the house till to Day. 8 Snow and Rain. 9 Fair and Cold. Feb'y 15 went to Boston with a Sled Load of wood over the ice. 15 Feb'y it began to thaw and kept thawing gradually with Some Rain till 15 March when the Roads in some places was passable with Carts. April 13 Snow all gone except a few Banks under the fences." So ended the famous winter of 1780. Next, on the 19th of the following May came the equally or even more famous "dark day"; of which Ebenezer Miller made the following record: "this day about Sun Rise it thundered and was cloudy all Day some rain in the morning about 11 o'clock A. M. there Came on a thick Darkness & between 12 and one it was so Dark we were obliged to light Candles to go about the house and to Dine by about 2 o'clock it began to grow lighter by 3 o'clock got to be as light as it commonly is of a Raney Day remained Cloudy till night with some Rain in the afternoon but no rain in the Darkest time the Night was the Darkest that ever was known till one o'clock you could not se anything that was white out of Doors tho it was within a foot of your eyes and when you put the candles out in the house you could not Desern where the window was from the other part of the room, the next morning Cloudy but Cleared of Fair."

Then follow a succession of years in no way noticeable, except now and again for some February freshet or August drought, until towards the end of the memorandum book comes this entry of a climatic experience the like of which this generation certainly has never witnessed in the vicinity of Boston. It is merely necessary to premise that, in direct lines, Squantum and Hough's Neck, though in different directions, are each some two miles from where the writer lived: "1797 July 14 Friday about half past 3 o'clock afternoon came on a most violent storm of Rain & the largest hail that ever was known here & wind some of the hail stones weighed

between one eighth and a quarter of an ounce the hail was near over Shoes under the side of the House & broke many panes of Glass for me it beat almost all the barly out of the ear tore the corn & every vegetable almost to peaces no hail at Hough's neck & little at Squantom, but very Bad at Mr. John Billings on Judge Cranches farm the hail rold of a Sideling piece of Land so that it was 3 feet deep in the Valley. I got hail from their on Commencement Day which was 19 to make punch with it was then one foot Deep!"

Judge Cranch's farm is now, as it has been for the last century, the property of the family of which I am a member; and it is still known as "the Cranch pasture." The "Sideling piece of Land," off which the hailstones rolled into the valley, I take to be the west side of the deep hollow immediately in rear of the house in which I live. In that hollow it thus appears the hailstones lay three feet deep on the 14th of July, 1797, and five days later, being still a foot deep, afforded one of the necessary ingredients of a cold punch on Commencement Day at the neighboring college.

I find absolutely nothing further of interest in the Miller memorandum book.

Rev. Dr. Edmund F. Slafter was appointed to write a memoir of the late Fitch Edward Oliver, M.D., and Rev. Dr. Alexander V. G. Allen to write a memoir of the late Right Rev. Phillips Brooks, D.D., for publication in the Proceedings.